

# EXHIBIT B

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

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MARIO H. CAPOGROSSO,

Plaintiff

-against-

**PLAINTIFF'S SECOND  
DEMAND FOR  
DEPOSITION DATES**

ALAN GELBSTEIN, in his official and individual capacity;  
IDA TRASCHEN, in her official and individual capacity;  
DANIELLE CALVO, in her official and individual capacity;  
SADIQ TAHIR, in his individual capacity;  
PEC GROUP OF NY, INC.;  
DAVID SMART, in his individual capacity;  
JOHN AND JANE DOE, and  
DMV COMMISSIONER MARK SCHROEDER, in his official capacity

Defendants

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Pursuant to Rules 27 – 32 of the Federal Rules of Civil Procedure the Plaintiff, Mario H. Capogrosso, seeks that defendant David Smart **provide a date, and three alternative dates**, upon which his deposition upon oral examination may be taken. Plaintiff will depose all defendants on the same date. Plaintiff seeks such dates subsequent to October 2, 2020, and on or prior to October 15, 2020.

Further, at the last pre-trial status conference on June 16, 2020, in which you were not present, Judge Magistrate Bloom ordered that all depositions were to be held remotely and electronically. As such, in order to comply with this Court Order and conduct your deposition upon


oral examination, I need to know and have answers provided to the following;

- 1) Will you have access to the internet so that I may proceed with your deposition upon oral examination on your deposition date; and
- 2) Will you have access to a laptop computer so that I may proceed with your deposition upon oral examination upon your deposition date

Plaintiff demands a response within seven (7) days of the service of this discovery request to be provided at Plaintiff's current address listed below.

Dated: September 2, 2020  
New Rochelle, NY

Submitted,

  
Mario H. Capogrosso  
21 Sheldrake Place  
New Rochelle, NY 10804  
(914) 806-3692

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

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MARIO H. CAPOGROSSO,

Plaintiff

-against-

**AFFIRMATION  
OF SERVICE**

**Case No. CV-18-2710**

ALAN GELBSTEIN, in his official and individual capacity;  
IDA TRASCHEN, in her official and individual capacity;  
DANIELLE CALVO, in her official and individual capacity;  
SADIQ TAHIR, in his individual capacity;  
PEC GROUP OF NY, INC.;  
DAVID SMART, in his individual capacity;  
JOHN AND JANE DOE, and  
DMV COMMISSIONER MARK SCHROEDER, in his official capacity

Defendants


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I, Mario H. Capogrosso, declare under penalty of perjury that I have served a copy of the attached Demand for Deposition Dates upon:

David Smart  
2875 West 8h Street  
Brooklyn, NY 11224

via U.S. Postal Service First Class Mail, this 2<sup>nd</sup> day of September 2020.

New Rochelle, NY  
September 2, 2020



Mario H. Capogrosso  
21 Sheldrake Place  
New Rochelle, NY 10804  
(914) 806-3692